

# ARKANSAS SUPREME COURT

No. CR 06-1073

NOT DESIGNATED FOR PUBLICATION

STEVEN WALKER  
Petitioner

v.

HON. DAVID BURNETT, CIRCUIT  
JUDGE  
Respondent

Opinion Delivered      October 26, 2006

*PRO SE* PETITION FOR WRIT OF  
MANDAMUS [CIRCUIT COURT OF  
MISSISSIPPI COUNTY, OSCEOLA  
DISTRICT, CR 2001-130]

PETITION MOOT

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## PER CURIAM

On August 23, 2001, judgment was entered reflecting that petitioner Steven Walker had been found guilty by a jury of the offense of being a felon in possession of a firearm and that he had been sentenced as a habitual offender to a term of 108 months' imprisonment. The Arkansas Court of Appeals affirmed. *Walker v. State*, CACR 01-1176 (Ark. App. October 2, 2002).

On October 24, 2002, petitioner timely filed in the trial court a *pro se* petition for postconviction relief pursuant to Criminal Procedure Rule 37.1 challenging the judgment of conviction. No action was taken on the Rule 37.1 petition, and on September 22, 2006, petitioner filed in this court the instant *pro se* petition for writ of mandamus contending that the Honorable David Burnett, Circuit Judge, had failed to act in a timely manner on the Rule 37.1 petition. On October 5, 2006, Judge Burnett entered an order disposing of the Rule 37.1 petition.

In the response filed by respondent Burnett to the mandamus petition, he avers that the delay

in acting on the petition occurred because petitioner did not provide him with a copy of the Rule 37.1 petition and thus he was never made aware that the Rule 37.1 petition had been filed until the mandamus action was filed. Inasmuch as respondent has acted on the Rule 37.1 petition, the petition for writ of mandamus is moot. Nevertheless, a four-year delay in acting on a pleading is not acceptable and every effort should be made to ensure that each matter filed in a court receives a reasonably prompt disposition.

As we have said before when there was an unwarranted delay in a court's acting on a pleading, we urge all judicial districts to develop a system whereby judges are promptly made aware of filings in their courts. *See McCoy v. Phillips*, 357 Ark. 368, 166 S.W.3d 564 (2004) (*per curiam*). Those procedures should not depend on the petitioner to effect personal service on the court of a copy of the pleading filed. The procedures should be monitored closely by the courts to prevent unnecessary delays that hamper the administration of justice.

Petition moot.